

# City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

April 13, 2011

Mayor Matti Herrera Bower  
Vice-Mayor Jonah Wolfson  
Commissioner Jorge Exposito  
Commissioner Michael Góngora  
Commissioner Jerry Libbin  
Commissioner Edward L. Tobin  
Commissioner Deede Weithorn

City Manager Jorge M. Gonzalez  
City Attorney Jose Smith  
City Clerk Robert E. Parcher

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## ATTENTION ALL LOBBYISTS

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

## REGULAR AGENDA

### R2 - Competitive Bid Reports

- R2A Request For Approval To Purchase Budgeted Replacement Vehicles And Equipment Pursuant To Florida State Contract No. 10-18-0907, 10-09-0907, 760-000-10-1 And GSA Contract GS-30F-1028G In The Amount Of \$2,563,152.47. (Page)  
(Fleet Management)

### R5 - Ordinances

- R5A An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Division 2, Entitled "Disability Access Committee," By Amending Sec. 2-31(d) To Increase The Number Of Members From Seven (7) To Fourteen (14) And Amending The Quorum Requirement; Providing For Codification, Repealer, Severability, And An Effective Date. **10:16 a.m. Second Reading Public Hearing** (Page)  
(Requested by Commissioner Edward L. Tobin)  
(Legislative Tracking: City Clerk's Office)  
(Continued from March 9, 2011/Referred to Neighborhood/Community Affairs Committee)

**R5 - Ordinances** (Continued)

- R5B An Ordinance Amending Article III, Division 28 Of The City Code, Entitled "Capital Improvement Projects Oversight Committee;" Amending Section 2-190.127, Entitled "Establishment; Purpose; Membership," By Adding A Non-Voting Ex-Officio Member Who Is Either A Member Of The Disabled Community Or Has Special Knowledge Of Americans With Disabilities Act (ADA) Issues; And Providing For Codification; Repealer; Severability; And An Effective Date. **10:17 a.m. Second Reading Public Hearing** (Page)  
(Requested by Mayor Matti Herrera Bower)  
(Legislative Tracking: City Attorney's Office)  
(Continued from March 9, 2011/Referred to Finance & Citywide Projects Committee)
- R5C An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 2, "Administration," Article II, "City Commission," By Enacting A New Section 2-12, "Meeting Agendas," Requiring Proposed Ordinances And Charter Amendments That Appear On A City Commission Or Commission Committee Agenda To Have A Commissioner Sponsor Identified; Providing For Repealer; Codification; Severability; And An Effective Date. **10:20 a.m. Second Reading Public Hearing** (Page)  
(Requested by Vice-Mayor Jonah Wolfson)  
(Legislative Tracking: City Attorney's Office)  
(Continued from March 9, 2011/Referred to Land Use & Development Committee)
- R5D An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 106, "Traffic And Vehicles," Article II, "Metered Parking," Division 1, "Generally" Section 106-55 (h)(2), "Permanent Parking Space Removal" To Amend The Criteria And Procedure For Permanent Parking Space Or Loading Zone Removal, Providing For Codification, Repealer, Severability And An Effective Date. **10:30 a.m. Second Reading Public Hearing** (Page)  
(Requested by Mayor Matti Herrera Bower)  
(Legislative Tracking: Planning Department)  
(Continued from March 9, 2011)
- R5E Alton Road Historic District Buffer Overlay  
An Ordinance Amending Chapter 142, "Zoning Districts And Regulations," Article III, "Overlay Districts," Creating Division 8 "Alton Road - Historic District Buffer Overlay," By Including Section 142-858 "Location And Purpose," And Section 142-859 "Development Regulations,: Including Among Other Provisions Regulations On Maximum Floor Area Ratio; Maximum Building Height; Minimum Setbacks; Building Separation; Demolition Or Additions To Contributing Buildings In An Historic District; And Land Use Regulations For Location Of Retail Uses, Restaurants, Bars, Entertainment Establishments, Alcoholic Beverage Establishments And Similar Uses; Requiring Conditional Use Approval Of Such Uses In Excess Of 20,000 Sq. Ft.; And Prohibiting Alcoholic Beverage And Entertainment Establishments In Open Areas With Exceptions As Prescribed In The Ordinance. **11:00 a.m. First Reading Public Hearing** (Page)  
(Requested by City Commission in 2009)  
(Legislative Tracking: Planning Department)  
(Continued from March 9, 2011/Referred to Land Use & Development Committee)

**R5 - Ordinances** (Continued)

- R5F Adoption of Proposed Amendments To The City's Comprehensive Plan  
An Ordinance Adopting Amendments To The City's Comprehensive Plan To Include New Or Revised And/Or Updated Goals, Objectives And Policies In The Following Elements; Future Land Use, Transportation, Housing, Infrastructure, Conservation/ Coastal Zone Management, Recreation And Open Space, Capital Improvements, Intergovernmental And Historic Preservation; All In Relation To Certain Items Identified In The City's 2005-2007 Evaluation And Appraisal Report (EAR) Including Responses To The Objections, Recommendation And Comments Report (ORC); And Authorizing And Directing The City Administration To Submit The Adopted Amendments To The Florida Department Of Community Affairs And Any Other Required State And Local Agencies; Providing For Repealer, Severability, Codification And An Effective Date. **11:15 a.m. Second Reading Public Hearing** (Page)  
(Requested by City Commission in 2009)  
(Legislative Tracking: Planning Department)  
(First Reading on September 15, 2010)
- R5G An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 74, Entitled "Peddlers And Solicitors," By Amending Article III, Entitled "Panhandling On Public Property," By Amending Section 74-76, Entitled "Definitions," By Providing Definitions For Financial Institution And For High Volume Intersections; And By Amending Section 74-78, Entitled "Panhandling On Public Property," By Adding Additional Locations Where Soliciting Or Panhandling On Public Property Will Be Considered Unlawful; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading** (Page)  
(Requested by Commissioner Michael Góngora)  
(Legislative Tracking: Code Compliance)
- R5H An Ordinance Amending Chapter 2, Article III, Division 26, Sections 2-190.107 And Section 2-190.110 Of The City Code, Establishing The City's Community Development Advisory Committee, To Amend The City Affiliation Requirements For Membership On The Community Development Advisory Committee; Providing For Repealer, Severability, And An Effective Date. **First Reading** (Page)  
(Requested by Commissioner Deede Weithorn)  
(Legislative Tracking: Real Estate, Housing & Community Development)
- R5I An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 106, Entitled "Traffic And Vehicles," By Amending Article II, Entitled "Metered Parking," By Amending Division 1, Entitled "Generally," By Amending Section 106-55, Entitled "Parking Rates, Fees, And Penalties" To Provide Rates And Criteria For The Preferred Parking Lot Located At 18th Street And Meridian Avenue, Including Providing Penalties And Amending The Fees For The Lot For Food And Beverage Social Events At The Miami Beach Convention Center From \$15.00 To \$10.00, Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading** (Page)  
(Requested by Finance & Citywide Projects Committee)  
(Legislative Tracking: Parking Department)

**R7 - Resolutions**

- R7A A Resolution Approving, Following A Duly Noticed Public Hearing, The Placement Of A Memorial Plaque On The Bus Shelter Located At 3801 Collins Avenue, In Memory Of Mr. Harold Tillman, In Accordance With Section 82-504 Of The City Code. **10:15 a.m. Public Hearing** (Page)  
(Public Works)
- R7B A Resolution Approving, Following A Duly Noticed Public Hearing, The Following Agreements Pertaining To The Proposed Lease Agreement (The Lease), Having A Term Of Nine (9) Years And 364 Days, Between The City And Pennsylvania Avenue LLC, D/B/A Gigi, For The Use Of Approximately 7000 Square Feet Of Ground Level Retail Space At The Pennsylvania Avenue Garage, 1661 Pennsylvania Avenue, Miami Beach, Florida, For A Restaurant (Primary Use), With Ancillary Uses To Include A Bakery, Bar/Café, And Book And Gift Shop: 1.) A Pre-Lease Due Diligence Review Agreement; 2.) A Letter Of Intent (LOI), Setting Forth The Substantive Business Terms Of The Lease; And 3.) A Draft, In Substantial Form, Of The Proposed Lease; Authorizing The City Manager To Execute The Pre-Lease Due Diligence Review Agreement And The LOI, And Further Authorizing The Mayor And City Clerk To Execute The Final Lease, Based Upon The Business Terms In The LOI And Subject To Final Review By The City Manager And City Attorney's Office; And Further Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements (As Permitted Pursuant To Section 82-39 Of The City Code), Finding Such Waiver To Be In The Best Interest Of The City. **11:30 a.m. Public Hearing** (Page)  
(Real Estate, Housing & Community Development)
- R7C A Resolution Approving An Agreement Between The City And Broward Stage Door Theater For The Operation And Management Of The Byron Carlyle Theater Pursuant To Request For Proposals No. 24-09/10 And Authorizing The Mayor And City Clerk To Execute Said Agreement Having An Initial Term Of Five (5) Years, Commencing On February 1, 2011, And Ending On January 31, 2015, With An Additional Five (5) Year Option Term At The City Sole And Absolute Discretion. (Page)  
(Tourism & Cultural Development)  
**(Memorandum & Resolution to be Submitted in Supplemental)**

**R9 - New Business and Commission Requests**

- R9A Board And Committee Appointments. (Page)  
(City Clerk's Office)
- R9A1 Board And Committee Appointments - City Commission Appointments. (Page)  
(City Clerk's Office)
- R9A2 Appointment Of Eugenio Cabreja For Tenant Commissioner To The Housing Authority. (Page)  
(Requested by Mayor Matti Herrera Bower)
- R9B1 Dr. Stanley Sutnick Citizen's Forum. (12:30 p.m.) (Page)
- R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

**R9 - New Business and Commission Requests** (Continued)

- R9C Discussion Regarding Changing The Flamingo Park Master Plan To Include A Bathroom In The Tot Lot; And Discuss The Design Of The Tennis Club House And Tennis Courts. (Page)  
(Requested by Commissioner Edward L. Tobin)  
(Deferred from March 9, 2011)
- R9D Discussion Regarding Including Monthly Crime Statistics As A Standard Agenda Item On The Neighborhood/Community Affairs Committee. (Page)  
(Requested by Commissioner Edward L. Tobin)
- R9E The Committee Of The Whole Will Meet During Lunch Recess Of The April 13, 2011 City Commission Meeting At The City Manager's Office Large Conference Room To Discuss Interim Status Report Of Internal Audits.  
(Budget & Performance Improvement)
- R9F The Committee Of The Whole Will Meet During Lunch Recess Of The April 13, 2011 City Commission Meeting At The City Manager's Large Conference Room To Discuss Status Of Pending Legislation Currently Before The Florida Legislature. (Page)  
(Economic Development)  
**(Memorandum to be Submitted in Supplemental)**
- R9G Discussion Of Proposed Amendments Lessening The Intensity Of The I-1 Light Industrial District; And The Stay Of Proceedings Resulting From Appeals Of Administrative Decisions To The Board Of Adjustment. (Page)  
(Requested by Land Use & Development Committee)  
(Legislative Tracking: Planning Department)
- R9H Discussion Regarding The Dunlop Orange Bowl Tennis Tournament. (Page)  
(Requested by Commissioner Edward L. Tobin)
- R9I Discussion Regarding The Safety Issues With The Funkshion Fashion Event Held In City Of Miami Beach. (Page)  
(Requested by Commissioner Jerry Libbin)
- R9J Discussion Regarding The Ridership Of The South Beach Local (SBL). (Page)  
(Requested by Commissioner Jerry Libbin)
- R9K Discussion Regarding The Viability Of The City Of Miami Beach Taking Over Towing Services Within The City. (Page)  
(Requested by Commissioner Edward L. Tobin)
- R9L Discussion Regarding The Local Belle Isle Bus Route. (Page)  
(Requested by Commissioner Edward L. Tobin)

**R9 - New Business and Commission Requests** (Continued)

- R9M Discussion Regarding A Resolution To Support The Passage Of HB 281 And SB 880 By The Florida Legislature, Which Would Require Taxpayers Who Appeal The Market Value Of Their Property To Pay A Portion Of The Tax Liability While Their Appeal Is Being Addressed. (Page)  
(Requested by Mayor Matti Herrera Bower)
- R9N Discussion Regarding Prior Resolution Prohibiting Removal Of Green Space For Additional Bike Lanes. (Page)  
(Requested by Vice-Mayor Jonah Wolfson)

**Reports and Informational Items**

Reports and Informational Items (see LTC #075-2011)

**End of Regular Agenda**